

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SMITHKLINE BEECHAM	:	CIVIL ACTION
CORPORATION, SMITHKLINE	:	
BEECHAM, P.L.C., and BEECHAM	:	
GROUP, P.L.C.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	NO. 99-4304
	:	
APOTEX CORPORATION, APOTEX,	:	
INC., and TORPHARM, INC.	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 5th day of March, 2010, upon due consideration of the parties' claim construction briefs (Docket Nos. 497, 499), and the responses thereto, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that for United States Patent Number 6,080,759 (filed Sept. 2, 1997):

1. "Paroxetine hydrochloride anhydrate Form A" is construed as "paroxetine hydrochloride in anhydrate form, having the 'characteristics' and following the steps recited in Claim 10";
2. "Organic solvent" is construed as "carbon-based solvent that is substantially free of water";
3. "Organic solvent not removable by drying" is construed as "organic solvent that cannot be removed by conventional drying conditions";
4. "Displacing" is construed as "contacting to permit reduction of";
5. "Displaced" is construed as "contacted to permit reduction of";

6. “Displacing agent” is construed as “agent permitting reduction of solvent to obtain paroxetine hydrochloride anhydrate that cannot be obtained by drying alone”;
7. “Displacing the solvent with a displacing agent” is construed as “contacting the paroxetine hydrochloride with a displacing agent to permit reduction of the solvent to obtain paroxetine hydrochloride anhydrate that cannot be obtained by drying alone ”; and
8. “A melting point of about 123-125° C” is construed as “temperature at which the solid becomes a liquid, of approximately 123-125° C.”

/s/ Michael M. Baylson_____

Michael M. Baylson, U.S.D.J.